

AMENDED IN SENATE JUNE 22, 2009

AMENDED IN ASSEMBLY MAY 12, 2009

AMENDED IN ASSEMBLY APRIL 23, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 632**

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**Introduced by Assembly Member Davis**

February 25, 2009

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An act to add Section 1708.9 to the Civil Code, relating to privacy.

### LEGISLATIVE COUNSEL'S DIGEST

AB 632, as amended, Davis. Internet-based social networking: privacy.

Existing law provides that a person is liable for constructive invasion of privacy when he or she attempts to capture, in a manner that is offensive to a reasonable person, any type of visual image, sound recording, or other physical impression of another person engaging in a personal or familial activity under circumstances in which that other person had a reasonable expectation of privacy, through the use of a visual or auditory enhancing device, regardless of whether there is a physical trespass, if this image, sound recording, or other physical impression could not have been achieved without a trespass unless the visual or auditory enhancing device was used.

This bill would require a social networking Internet Web site, ~~as defined,~~ to provide a specified disclosure to a user, as defined, of the site stating that ~~images~~ *an image which is* uploaded onto the social networking Internet Web site ~~may be~~ *is capable of being copied with* ~~out by persons who view the image without the consent of the user who~~

~~uploaded~~ initially uploads the image, or copied in violation of the privacy policy, terms of use, or other policy of the site.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1708.9 is added to the Civil Code, to  
2 read:

3 1708.9. (a) A social networking Internet Web site shall provide  
4 a disclosure *in at least one location, including, but not limited to,*  
5 *in the privacy policy, in the terms of use, or on the upload page,*  
6 to users of the social networking Internet Web site that an image,  
7 including, but not limited to, a photograph, which is uploaded onto  
8 the social networking Internet Web site ~~may be~~ *is capable of being*  
9 copied by persons who view the image without the consent of the  
10 user who initially uploads the image *or copied in violation of the*  
11 *privacy policy, terms of use, or other policy of the social*  
12 *networking site.*

13 ~~(b) (1) For purposes of this section, “social networking Internet~~  
14 ~~Web site” means a service that allows individuals to construct a~~  
15 ~~public or semipublic profile within a bounded system, articulate~~  
16 ~~a list of other users with whom they share an Internet Web site~~  
17 ~~connection, and view and traverse their list of connections and~~  
18 ~~those made by others within the system.~~

19 ~~(2)–~~

20 (b) For purposes of this section, “user” means a person registered  
21 with the social networking Internet Web site as a member, and the  
22 parent or guardian of the user if the user is registered as a minor.